

Proposal P1016

Hydrocyanic Acid in Apricot Kernels & other Foods

General Procedure

Summary

The NSW Food Authority supports Option 5 to prohibit the sale of raw apricot kernels for the protection of public safety due to the high toxicity of these products, especially for children.

FSANZ should consider:

1. A whole of government approach to ensure the effectiveness of the prohibition, preventing raw apricot kernels for being allegedly sold for non-food purposes
2. An enhanced risk communication strategy to inform consumers about the risk of consuming raw apricot kernels

Specific Issues

Legitimate use of apricot kernels

Prescribing a list of acceptable products requires some guidance to industry and consumers as to when a food that contains or is made using apricot kernels is safe for human consumption. An example of this is blanched apricot kernels. The NSW Food Authority tested seven blanched apricot kernel samples and the results ranged from 32 to 90 ppm of total cyanide, which were much lower than those in raw apricot kernels. What would be the status of a blanched product?

Supply of raw apricot kernels not as food

A niche market currently exists for raw apricot kernels. It is unclear whether an unintended consequence from P1016 if option 5 is adopted would result in this product being supplied to consumers through markets where it is purposely represented as:

1. a cosmetic product; or
 2. a therapeutic good.
- to avoid the ban as a food.

One Australian-based internet business has already commenced selling apricot kernels for cosmetic purpose (<http://www.apricot-kernels.com.au/>). On their website, ChiTree Apricot Seeds acknowledge that there is a current regulatory review of apricot kernels and that it is likely they will not be permitted for sale as food. As such, they have indicated that they will continue to sell raw apricot kernels and include a label stating '*Raw Apricot Kernels, for the preparation of body scrubs and oils*'. As such, prohibiting the retail sale through food legislation is unlikely to cease their availability.

Many businesses selling raw apricot kernel sell them in conjunction with unsubstantiated therapeutic claims. It is noted that Supporting Document 2 of the Call for Submission paper details information on a successful legal proceeding taken by the Australian Competition and Consumer Commission (ACCC) against a business making misleading claims regarding raw apricot kernels.

Based on this, option 5 may fail to address the risk associated with consuming these products and in turn may impact the success of any regulatory control introduced.

The proposal does not consider that, to be effective, any prohibition of raw apricot kernels may need to be implemented across a number of government portfolios with broader strategies that:

- prevents raw apricot kernels being misrepresented as for use as a cosmetic
- prevents therapeutic claims being made either directly or indirectly with the sale of raw apricot kernel products

Risk communication strategy

While a prohibition will cease the retail sale of apricot kernels in Australia, online overseas purchases will not be affected thus impacting the effectiveness of Option 5. While we acknowledge little if anything can be done to stop people purchasing apricot kernel from overseas, an effective risk communication strategy may assist with ensuring consumers are aware of potential risks associated with consuming raw apricot kernels. The risk communication strategy should be developed and implemented in conjunction with public health groups and the medical profession to assist with reaching those more at risk.

ENDS

The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.